

PATENT COOPERATION TREATY

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION

(PCT Rule 66)

15 MAY 04

To:

Collision & Co
GPO Box 2556
ADELAIDE SA 5001

Date of mailing
(day/month/year) 15 MAR 2004

Applicant's or agent's file reference
54035PCT HK5

REPLY DUE within **TWO MONTHS**
from the above date of mailing

International Application No.
PCT/AU2003/001252

International Filing Date (day/month/year)
24 September 2003

Priority Date (day/month/year)
24 September 2002

International Patent Classification (IPC) or both national classification and IPC

Int. Cl.⁷ C05F 1/02, 17/00, 17/02, 1/00, 9/02

Applicant

CS ASSOCIATED PTY LTD et al

1. This written opinion is the **first** drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The **FINAL DATE** by which the international preliminary examination report must be established according to Rule 69.2 is:
24 January 2005 24 DEC 04

4. The applicant is hereby **invited to reply** to this opinion.

When? See the **Reply Due** date indicated above. However, the Australian Patent Office will not establish the Report before the earlier of (i) a response being filed, or (ii) one month before the **Final Date** by which the international preliminary examination report must be established. The Report will take into account any response (including amendments) filed before the Report is established. **If no response is filed by 1 month before the Final Date**, the international preliminary examination report will be established on the basis of this opinion.

Applicants wishing to have the benefit of a further opinion (if needed) before the report is established should ensure that a response is filed at least **3 months before the Final Date** by which the international preliminary examination report must be established.

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. For an informal communication with the examiner, see Rule 66.6.

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V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 2-20, 23	YES
	Claims 1, 21-22	NO
Inventive step (IS)	Claims	YES
	Claims 1-23	NO
Industrial applicability (IA)	Claims 1-23	YES
	Claims	NO

2. Citations and explanations

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1 WO 2000/37393

D2 WO 1996/07624

D3 CA 2114350

The application relates to an apparatus and a method for the treatment of composting material where the aqueous liquid is held at a level lower than any one or more of the gaseous outlets effecting gaseous distribution below the composting material.

Novelty (N) and Inventive Step (IS)

D1 discloses a method of composting high protein waste in an apparatus that have all the essential features as disclosed in claim 1, see especially figure 2/2 and claims 15-18. Therefore the subject matter of claim 1 is not new and does not meet the requirements of Article 33(2) PCT with regard to novelty. D1 also discloses all the essential features of the method claims 21-22, see claims 1-10. Therefore the subject matter of claims 21-22 is not new and does not meet the requirements of Article 33(2) PCT with regard to novelty.

The features added by the appended claims are also identifiable in D1 except for the sump below the supply conduits. It is considered that this difference between the claimed invention and D1 constitutes no more than a mere workshop improvement. It is an arrangement that any competent worker in the art would be expected to make directly and without difficulty and by routine steps alone. Therefore the subject matter of claims 2-20 and 23 is obvious and does not meet the requirements of Article 33(3) PCT with regard to inventive step.

D2 discloses an apparatus and a process for controlling the composting air in a composting system. D2 does not disclose the essential features of the present claims. It is considered that claims 1-23 are novel and inventive in light of D2.

D3 discloses a process for recirculating a variable amount of air back into the material being composted. D3 does not disclose the essential features of the present claims. It is considered that claims 1-23 are novel and inventive in light of D3.

Industrial Applicability (IA)

The invention defined in the claims is considered to meet the requirements of industrial applicability under Article 33(4) of the PCT.

I. Basis of the opinion

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
pages , as amended under Article 19,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Claim 23 contravenes Rule 6.2(a) in referring to other parts of the application.